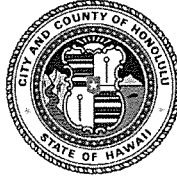


OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 * HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 * FAX: (808) 768-4242 * INTERNET: www.honolulu.gov



KIRK CALDWELL
MAYOR

EMBER LEE SHINN
ACTING MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

January 24, 2013

The Honorable Ernest Y. Martin, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RECEIVED
CITY CLERK
& C OF HONOLULU
2013 JAN 28 AM 11:10

Dear Chair Martin and Councilmembers:

With reference to Mayor's Message No. 2(13), please find enclosed information which may assist the Council as it considers my request to confirm Michael D. Formby as the Director of the Department of Transportation Services.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell", is written over a horizontal line.

Kirk Caldwell
Mayor

Enclosures

CITY AND COUNTY OF HONOLULU
NOMINEE/APPOINTEE FORM

1. Position Nominated to: Director, Department of Transportation
2. Name: Michael David Formby
(First) (Middle) (Last)
3. Are you a citizen of the United States? Yes ☒ No ☐
Are you a resident of the City and County of Honolulu? Yes ☒ No ☐
If yes, how long 25 yrs
Are you a registered voter in the City and County of Honolulu? Yes ☒ No ☐
4. Occupation: Director Designate, Department of Transportation Services
5. Name and address of employer or firm:
City and County of Honolulu
650 South King St., Third Floor, Honolulu, HI 96813
6. Does your employer do any business with the City and County of Honolulu?
Yes ☐ No ☐ If yes, state the nature of business and approximate dollar amount in the last five years:
N/A
7. Do you or does any member of your immediate family hold office or own stock in any firm?
Yes ☒ No ☐
8. Does the firm do business with the City and County of Honolulu? Yes ☐ No ☒
If yes, provide details including the name(s) of the firm:
Trinity Industries, Intel, AOL
9. Do you have any part-time employment, professional activity, or financial interests other than those indicated in the previous question? Yes ☐ No ☒
If yes, provide details:
10. Do you foresee any possible conflict between your present work, financial investments, business transactions or any other activity which would be incompatible with the proper discharge of your official duties or hinder you from effectively carrying out the duties for which you have been appointed? Yes ☐ No ☒
11. Are any members of your family employed by the City and County of Honolulu or any attached agency? Yes ☐ No ☒ If yes, please specify the department and division:
12. Are there any incidents in your past that may jeopardize your nomination
Yes ☐ No ☒
13. Have you ever been convicted of a felony? If yes, provide details:
No

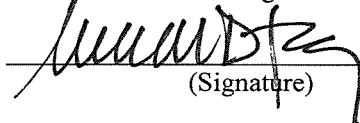
14. Education:
Spring Woods High School, Houston, Texas
Texas A&M University, College Station, Texas, BS with Honors
South Texas College of Law, Houston, Texas, JD with Honors
15. Provide a summary of major work experience for the last ten (10) years. Begin with your present job including military (attach additional sheets if necessary or resume):
Resume attached.

16. Community activities, etc. (also list any service on any other board or commission Federal, State or County):
SOH Land Use Commission, 2004-2007; Hawaii Community Development Authority, 2007-2010; Aloha Tower Development Authority, 2007-2010; SOH EUTF, 2010; Volunteer Legal Services Hawaii, 2010-2013; Historic Hawaii Foundation, 2012.
17. Have you ever been a member of a board or commission with the City and County of Honolulu?
 Yes ☐ No ☒ If yes, provide name(s) of board/commission:

18. Will you be able to commit to the full term of this appointment? Yes ☒ No ☐
19. Will you be able to commit to meeting dates and times? Yes ☒ No ☐
20. Are you regularly away from Honolulu? Yes ☐ No ☒ If yes, please explain:

21. Are you willing to make a confidential financial disclosure to the city Ethics Commission upon appointment and yearly thereafter? Yes ☒ No ☐
22. What do you understand to be the prime duties of your county appointment?
Lead the Department of Transportation Services in the provision of first-class responsive transportation services to the residents of and visitors to the C&C of Honolulu. Work collaboratively with OTS (TheBus) and HART (Rail) to plan for seamless intermodal transit operations, maximizing the efficiencies and synergies of joint operations.

The above statements made by me are true, complete, and correct to the best of my knowledge and belief and are made in good faith.


 (Signature)

1/14/13
 (Date)

The completed form and any attachment(s) will be posted by the City Clerk and available on the City's DocuShare Website.

CURRICULUM VITAE

MICHAEL D. FORMBY

PROFESSIONAL EXPERIENCE

- 8/2011 – 12/2012 Partner and Litigator, Goodsill Anderson Quinn & Stifel LLP. Commercial contract litigation and arbitration.
- 8/2010 – 12/2010 Interim Director of Transportation, State of Hawaii, Department of Transportation. Oversaw Highways, Airports and Harbors Divisions. Worked collaboratively with the Airlines Committee of Hawaii on terminal improvements, pre-paid use fund agreements and strengthened relationships between DOT and airport users/operators. Worked closely with Fed Highways on budgets and prioritization of projects and Hawaii Harbors Users Group on adjustments to the industry-supported Harbors Modernization Plan. Worked with planning divisions on statewide plans, EIS's and EA's.
- 8/2007 – 8/2010 Deputy Director, Department of Transportation Harbors Division. Responsible for the operation, maintenance and upgrade of ten (10) commercial harbors on six (6) islands. Managed 300 employees with an annual budget of \$92M. Drafted legislative initiatives and worked with the legislature in DOT legislation, including the Harbors Modernization Plan authorizing \$842M in harbor improvements (June 2008). Amended tariffs and Harbors administrative rules through the public hearing process. Secured \$200M in Harbor bonds with Merrill Lynch. Secured federal grant application resulting in award of DOT TIGER Grant. Set objectives for Harbors Division in concert with industry and community groups.
- 1/2001 – 8/2007 Managing Partner and Senior Litigator, Frame Formby & O'Kane. Represented and defended Hawaii businesses in maritime, personal injury, product liability, professional liability and commercial contract litigation. Represented businesses in the negotiation and administration of commercial contracts. Advised businesses on risk management, employment law and insurance coverage issues.
- 6/1998 – 1/2001 Managing Partner and Senior Litigator, Alcantara Frame & Formby. Defense litigator and commercial contract attorney. Appellate work before the Ninth Circuit Court of Appeals and the U.S. Supreme Court.

- 5/1993 – 6/1998 Associate Attorney and Litigator, Alcantara & Frame. Trial counsel in maritime defense, product liability and commercial contract litigation.
- 5/1990 – 5/1993 Associate attorney, Law Offices of Michael F. McCarthy. Trial counsel, plaintiff and defense work, personal injury, commercial contract and real estate disputes.
- 3/1987 – 5/1990 Contracting Officer, United States Air Force, Hickam AFB, Hawaii. Foreign Military Sales, Japan/Korea. Negotiated and administered classified contracts on behalf of Japan and Korea with the Boeing Corporation.
- 1/1983 – 3/1987 Contracting Office, United States Air Force, Hanscom AFB, Massachusetts. Negotiated and administered NATO E-3A (AWACS) procurement contract with the Boeing Military Sales.

EDUCATION

Doctor of Jurisprudence (JD), With Honors, *South Texas College of Law*, Houston, Texas, 1983. Member, South Texas Law Review, 1981-83, Two Publications and Texas Trial Lawyer's Award. Post JD studies, Boston University, 1986-1987.

Bachelor of Science (BS), Business Administration/Sociology, Cum Laude, *Texas A&M University*, College Station, Texas, 1980. Who's Who at Texas A&M, Student Senate, Corps Staff.

TEACHING EXPERIENCE

Adjunct Professor of Admiralty Law, *University of Hawaii, William S. Richardson School of Law*, 1998 – Present; Outstanding Adjunct Professor Award, Spring 2006.

Adjunct Professor of Business Law I and II, *Hawaii Pacific University*, 1990 – 2003.

PROFESSIONAL ADMISSIONS

Admitted to Practice:

- U.S. Supreme Court 1998.
- U.S. Court of Appeals, Ninth Circuit, 1993.
- U.S. District Court, Hawaii, 1990.
- Hawaii State Courts, 1990.

PROFESSIONAL MEMBERSHIPS

Hawaii State Bar Association (HSBA); American Bar Association (ABA); Maritime Law Association (MLA) of the United States (Proctor in Admiralty 1997 – present); United States District Court District Conference Delegate, 2003 – 2005; Best Lawyers in America (Maritime law) 2007 – 2008.

PUBLIC SERVICE

Volunteer Legal Services Hawaii (VLSH), 2010–2012, Director, 2012 – present, and Kahiau Award Recipient 2011; Historic Hawaii Foundation (HHF), Director 2012; Employer Union Trust Fund (EUTF), Trustee and Chair (2010); Hawaii Community Development Authority (HCDA), Director, 2007 – 2010; Aloha Tower Development Corporation (ATDC), Director, 2007 – 2010; State of Hawaii Land Use Commission (LUC), Commissioner, 2004 – 2007, Vice-Chair 2006 – 2007.

References available upon request.